How a city failed the five dead on Marshall Street



Jacqueline Brown

By David Lee Preston

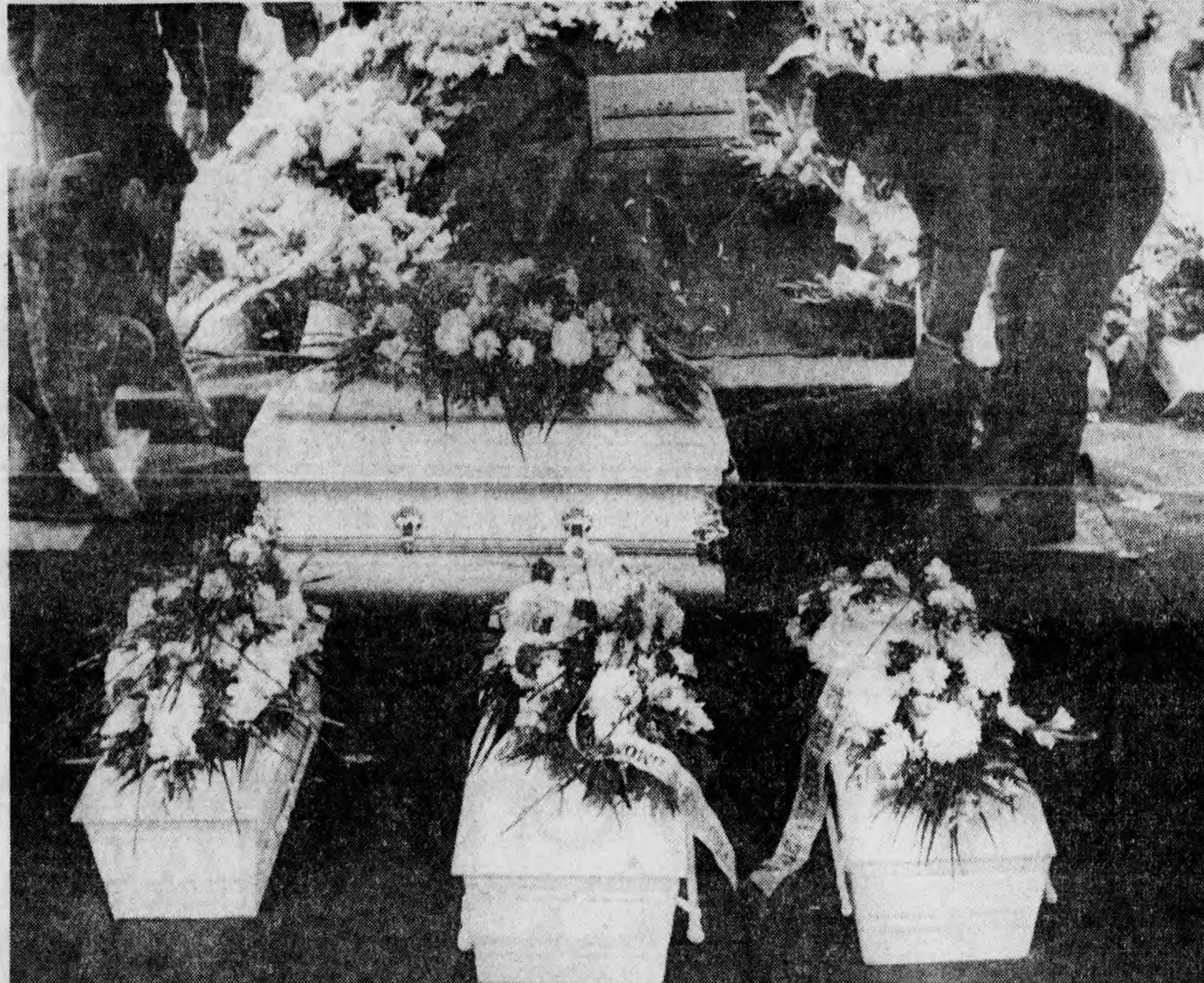
Answering a 9:19 alarm on a cold December night, firefighters struggled to reach the third floor of the house on Marshall Street in North Philadelphia. When they got there, they found a woman and four children dead.

The five people found on the night of Dec. 28, 1983, at 1521 N. Marshall St. — a rowhouse owned by the Philadelphia Housing Authority — died breathing smoke from a fire that authorities concluded had been set on the first floor.

Two days later, police arrested the first-floor resident, a 45-year-old former mental patient named Jacqueline Brown, and charged her with arson and five counts of murder.

For a number of people, from city officials to neighbors on Marshall Street, neither the fire nor the arrest came as a surprise.

The building had been cited for six fire-code violations between 1980 and 1982 — and two violations cited in August 1982 never were corrected by the Housing Authority, according to Rudolph M. Paliaga Jr., chief of district operations for the city's Depart-



The Philadelphia Inquirer / TOM GRALISH

Workers prepare grave site for the caskets of the four children who died in the fire on Marshall Street in December '83

ment of Licenses and Inspections (L&I).

Fire Department and Housing Authority records show four fires in Brown's apartment from October 1982 through the night of the fatal fire. A Housing Authority inspector had reported in that month that Brown showed dangerous pyromaniacal tendencies.

Neighbors and relatives of the victims say they told authorities that Brown had threatened to burn the house down.

Indeed, three weeks before the fatal night, a fire had prompted Lt. Thomas Schneiders, an assistant fire marshal, to bring Brown to Hahnemann University Hospital for psychiatric evaluation. On

her commitment form, he said, he wrote that she was a "hazard" to herself and to the 11 other residents of the building.

Yet Brown was allowed to return home after only a week.

The history of Jacqueline Brown and the house on Marshall Street, as it has emerged from documents and interviews, is a

history of warning signals and failed opportunities to heed them.

It is, in short, the story of an overburdened government and a sick woman lost in a vast city.

For 10 months after the fatal fire, Jacqueline Brown was incarcerated in the psychiatric wing of (See BROWN on 16-A).

How the city failed the five people who perished ...

BROWN, from 1-A

the Philadelphia Detention Center. Then, on Halloween, Oct. 31, she was brought to City Hall for a scheduled hearing. Her court-appointed attorney, Samuel C. Stretton, said she was not mentally competent to stand trial. As proof, he asked Brown why she had not worked in 17 years.

"I have been fighting wars, witches and warlocks," she said.

Municipal Court Judge William Brady ordered Brown committed to Mayview State Hospital in Bridgeville, south of Pittsburgh, for further evaluation. She will stay there until Jan. 31, when she is to return to Philadelphia for another court hearing, to determine whether she will stand trial on the arson and murder charges.

Whether or not the case goes to trial, a long list of people already have spoken about Brown's instability. The list includes dozens of neighbors, relatives, physicians, housing officials, social workers and welfare workers interviewed for this story.

On several occasions before and after Schneiders brought her to Hahnemann, a number of others had tried without success to have Brown institutionalized.

But it was not until Brown left Hahnemann two weeks before the fatal fire that a Housing Authority official began to consider trying to evict her.

By then, it was too late.

Over the years, certain incidents had become etched in the memories of Marshall Street residents:

The time that Brown set fire to her mattress while cooking eggs in her bedroom; the time she drank lye "to clean out my throat"; the times she walked the streets barefoot or scantily clad in winter, occasionally exposing her body, shouting obscenities and claiming she was possessed by witches.

Brown arrived in Philadelphia about 20 years ago from Florida, relatives say. She moved to the house on Marshall Street in August 1971, Housing Authority records show. She has a 10th-grade education, according to court records.

She has a son and daughter, although the boy, Michael, was taken from her custody about 10 years ago, when he was 10. Neighbors say her mental health, which already had been declining, deteriorated dramatically after that.

Juan and Rita Lugo live in a Housing Authority rowhouse across the street from the house that burned. The Lugos, who have 13 children, have lived there since 1969. Despite the problems of raising a large family on welfare, the Lugos also tried to look after Jacqueline Brown. They would feed her, or give her laundry detergent, or offer hot water when her apartment had none.

In the fire that Brown is accused of starting, the Lugo family lost five people.

When firefighters reached the third floor of the house on Marshall Street, they found the Lugos' daughter, Lavina Rose Cuevas, 26, her son Andre, 1, and three more Lugo grandchildren for whom Cuevas was baby sitting - Adolfo Lugo Jr., 4, Nancy Lugo, 3, and John Lugo, 1.

Even afterward, Rita Lugo showed up several times when Brown was scheduled to appear in court - not with a desire for vengeance, she said, but because she wanted "to see whether Jackie's all right."

Brown's monthly checks from the state Department of Public Assistance were cut off in the summer of 1983 because she had lost the identification card she needed to cash her checks. She refused to have her photograph taken for a duplicate card. She would not go to the DPA office because she did not like the way it smelled, according to her daughter, Pamela Darrington, who lives a few blocks from the house on Marshall

Neighbors say Brown burned the checks she received from the Housing Authority for her electricity allowance, or tossed them onto the floor. "Cats used to go to the bathroom on them," a social worker said.

The Housing Authority boarded her windows with metal sheets because they had been broken so often. And because Brown was unable to pay her bills, the electricity was turned off at her apartment sometime before November 1983, according to the Housing Authority. She lived that way until the night of the fire, using candles to light her way.

Darrington, 24, said her mother suffered delusions, sometimes believing that witches were sticking pins in her head or in her back.

"She would cry a lot in pain, let out a terrible scream or holler," Darrington said.

According to her daughter, Brown had spent four or five months in a Coatesville hospital about six years ago. "She had wandered away, and she was on a highway somewhere," Darrington said. "The cops found her and took her there."

Neighbor Ruth Willingham said that about three years ago, she took Brown to the Philadelphia Psychiatric Center at Ford Road and Monument Avenue, where Brown stayed for "a couple months."

"I was taking care of Jackie when she come out of that place," said Willingham, 50.

On July 23, 1983, when Brown faced the loss of DPA benefits because she refused to get the new card, Darrington introduced her mother to her own physician, Dr. Arnold Ritter, at his office at 2044 Germantown Ave. Darrington asked Ritter to examine Brown and to fill out a DPA form asking whether she was employable.

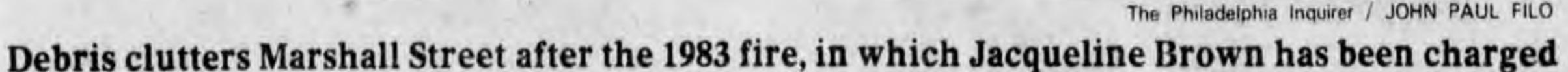
After examining her briefly, Ritter checked a box marked "Unemployable" and wrote: "She is totally unemployable. I have never seen this patient before in my life. Diagnosis is as follows: Chronic schizophrenia. ... She is unable to take care of

herself in any way, shape or form."

"She should not have been allowed



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Jose Cuevas places flowers on the casket of his mother, Lavina Rose Cuevas, who died in the fire; Jose died later in an accident

to walk the streets or be in anybody's home," Ritter said several weeks after the fatal fire. "The medical community failed."

Ritter's assessment on the DPA form did not change her situation. Jacqueline Brown returned to the house on Marshall Street.

Thomas Schneiders, who grew up in Northeast Philadelphia, has been an assistant fire marshal since December 1980. He says he has investigated hundreds of fires, watched rescuers remove dozens of bodies from burned-out buildings, interviewed hundreds of residents, relatives, neighbors and witnesses.

But he cannot recall going to such lengths as he did on Wednesday, Dec. 1983 — three weeks before the fatal fire - when he was sent to the house on Marshall Street.

Officers from the 26th Police District at Girard and Montgomery Avenues were sent to the house twice that day. According to a police report, officers arriving at 6:45 p.m. found a fire on the second floor. The Fire Department's report says the fire started on the stove in the firstfloor apartment occupied by Jacqueline Brown. The fire was extinguished, and no injuries were

But in the hallway of the first floor, Schneiders spoke with Lavina Cuevas, who lived on the third floor. She told him that several fires had broken out in the first-floor apartment previously. Schneiders then entered Brown's apartment.

It was dark, the sheets of metal covering what used to be windows. It seemed to Schneiders that garbage had been accumulating for weeks. Burned newspapers lay on the floor and on the kitchen stove. The apartment had no heat. Despite the existence of a working bathroom, Schneiders saw what appeared to be

human feces all over the living-room

"The whole atmosphere was strik-

ing," Schneiders said. " ... It just gave you the chills thinking about

Using flashlights in the dark apartment, Schneiders and police Lt. Robert Small found Brown standing barefoot in front of the kitchen stove, wearing only a coat and underwear. She did not answer their questions, and she spoke only in disjointed phrases, Schneiders recalled.

Brown was not charged in connection with the fire. Schneiders ruled that it was "incendiary," meaning that it could not have occurred accidentally. But the evidence was not sufficient to arrest her, the Fire Department said.

Still, Schneiders recommended that Brown be given psychiatric help. Police records show that Small called the 26th District, requesting "transport of a demented female."

Officers Joseph J. Sisca and Ralph Echevarria arrived in a police wagon, and Small told them that Schneiders wanted Brown taken to a

The officers took her to Hahnemann, where Schneiders filled out an application for a five-day involuntary emergency examination and treatment, under which a patient deemed dangerous can be admitted.

"I filled out that she was a hazard to herself and to the 11 other people in the building," Schneiders said. "I felt she was a pyro-type. It would sound more official coming from a fire person rather than a policeman. I thought maybe a psychiatrist would take a stronger look at it, if they heard it from a fire person. Maybe they would trust my judgment."

In the end, Schneiders' judgment was ignored.

Not even Brown's sister and brother could persuade the hospital to keep her for an extended period. Both visited her at Hahnemann on Sunday, Dec. 11, they said.

"We begged those people to keep her," said Esther Brown.

"I asked if they could please put her in a home, because her mind comes and goes," said Amos Brown. "But they said they could only do

that if she did something." Jacqueline Brown remained at Hahnemann until Dec. 14, according to a document submitted by the hospital in response to a \$15 million civil suit filed against the city, the Housing Authority and Hahnemann by the parents of the three Lugo children who died.

Legally, Hahnemann could have kept Brown for extended involuntary emergency treatment. Whether the hospital had a responsibility to do so is unclear, although in a 1980 case, the Pennsylvania Superior Court ruled that the state has an interest in "the protection of the welfare of others from mentally ill persons. The authority to confine dangerous persons arises from the state's inherent police powers."

Hahnemann officials have declined to comment on any part of the

And so, Brown returned to the house on Marshall Street.

Later that day in her kitchen, she set fire to an umbrella and clothing, according to a neighbor who helped extinguish the fire.

The 1983 Christmas season began as a happy time for the Cuevas and Lugo families.

Two days before Christmas, Lavina Cuevas took her children, nieces and nephews to a party at the Northern Liberties Recreation Center.

It was the first Christmas that 3year-old Nancy Lugo could comprestopped by to take Nancy to see her tree. Nancy never had seen a tree with lights. Her face lit up. She wanted the Santa Claus that adorned the treetop, and her host gave it to her. Nancy took the little ornament home. She called it her muneca, her

little doll. On Christmas Day, Lavina's hus- way.

band, Jose Cuevas - they call him "BJ" - and their son Jose were baking a cake in the third-floor apartment. Jerry and Evonne Grady, who lived on the second floor, told BJ that the door to Brown's first-floor apartment was open but that she wasn't there. So BJ went down to have a look.

As usual, the apartment was dark. BJ said he found that the stove was turned on, apparently to provide heat. He turned off the burners and went back upstairs.

On Christmas night, Lavina and the children drove around the neighborhood delivering presents a custom derived from the "Three Kings" tradition in Puerto Rico, where several family members were born. Later, two priests came by. The adults drank wine and talked, played music, toasted one another. Lavina received a bottle of fruit brandy and some perfume.

Lavina's mother, Rita Lugo, 52, recalls walking across the street to her daughter's apartment three days later, on Dec. 28, and sitting down to watch TV with a few of her grandchildren. After a while, her husband, Juan, called for her to come home.

Adolfo Lugo, 33, the father of the three Lugo children who perished in the fire, was visiting his mother in a California hospital at the time. His wife, Judith Figueroa Lugo, 23, left at 7 to attend services at her Pentecostal church at 17th and Wallace Streets. She took two of their children with her - Linda, 6, and infant Samuel.

Lavina Cuevas, Adolfo's half-sister, stayed in the third-floor apartment hend, and a friend of Lavina's had to watch over Andre and her niece and nephews.

Jerry Grady recalls that he was watching TV in the front room of his second-floor apartment about 9:15, when he smelled smoke coming through a vent. Realizing that a fire had started, Grady knocked on the door leading to the third-floor stair-

"Come on out!" he yelled. Lavina Cuevas went downstairs and surveyed the situation, then shut the door and returned upstairs, Jerry Grady recalled.

"I think she was going back to get the kids," he said. "But it was too

Grady, 31, escaped with his wife and their three children. On his way out, he found Brown's apartment door wide open.

John Lugo

Andre Cuevas

Adolfo Lugo Jr.

Nancy Lugo

Lavina Rose Cuevas

Once outside, he hollered for Lavina to jump. "She screamed one time, and that

was it," he said. The Fire Department, answering the 9:19 p.m. alarm, arrived to find fire raging on the first and second floors. The fire had started in Brown's kitchen, authorities said.

Two days later at midday, angry relatives of the victims saw Brown in the street and converged on her. Hugging a pole at Seventh and Oxford Streets, a block from the house, she was screaming: "Those poor children! Those poor children!" For her own protection, police removed her from the crowd. Then they arrested

Pamela Darrington says her mother could not have set the fire because she was at Darrington's house at the

But the criminal complaint filed by the district attorney's office says that Brown "did knowingly start six separate fires inside the first-floor apartment ... thereby killing five occupants and endangering ... oth-

Jerry Grady said no alarm was working in the house.

"The one in my hall was broken ever since I moved in" about a year earlier, he said.

Fire Department records show that firefighters were called to the rowhouse five times from February 1982 to the fateful night - and that on three of those occasions, they put out fires in Brown's apartment. The Housing Authority has records of at least two other fires, one of which was in Brown's apartment.

In addition, city records show repeated fire-code violations in the house on Marshall Street.

On Oct. 16, 1982, firefighters extinguished a blaze caused by candles that Brown had been using because both the electricity and gas had been turned off, according to Fire Department records. The blaze was classified as accidental.

Apparently, the electricity was back on three days later. On the afternoon of Oct. 19, a cooking grill plugged into a bedroom outlet caused a fire in Brown's apartment, a Housing Authority spokesman said. Flames and smoke damaged the rear bedroom, and smoke damaged the hallway, according to a report by Miguel S. Morera, who was in charge of authority housing in the six-blocksquare area that includes the house on Marshall Street. Damage was estimated at \$300.

When Morera inspected the house, he said, he found Brown cooking in her bedroom with a hot plate, despite a working gas range in her kitchen. Morera tried to talk to her, but she did not respond.

"She had gas, but she didn't use it to cook," said Judith Figueroa Lugo, who lost three children in the 1983 fire. "She told me it was poison."

And so it was that in October 1982 - a full 14 months before the fatal fire - Morera for the first time brought Brown to the attention of his supervisor, Michael G. Huml.

"I told Mr. Huml that that woman was mentally ill," said Morera, who left the Housing Authority in September. "I told him she was going to set fires in that house. I recommended that he transfer her or evict her or refer her to a mental institution. I requested some action because I saw the danger. They didn't do anything. They didn't take any action."

Huml, a 15-year employee of the Housing Authority, says he does not recall why he took no action. Under standard procedure, Huml said, Morera would have prepared the paper work to have Brown evicted. But he said he also could have initiated it

himself. "It's possible that she just fell through the cracks; that's possible." Huml said. "Normally, we would try to take some sort of action."

Morera could have begun eviction proceedings against Brown through the Housing Authority. But based on past experience, Morera said, he believed that the effort would have been useless.

"PHA has thousands and thousands of people that are supposed to be evicted," Morera said Friday during a telephone interview from Florida, where he and his wife are resettling. "But PHA has no control over the tenants. It wouldn't do any good to try to evict her. It would be a waste

Adolfo Lugo said he had told Morera several times that Brown had threatened to burn the house down.

"I talked to him every month when I went to pay the rent, 10 to 14 times. but he didn't listen to us when we used to talk to him," Lugo said. Morera said he did not recall Lu-

go's speaking of the matter. William McMillan, a social worker. said Lavina Cuevas sought help from him in December 1983 to see whether Brown could be institutionalized.

"She was very concerned about the woman, saying that this was a woman who ... was incapable of really caring for herself," McMillan recalled. "When she would visit the woman, [Lavina] would maybe open her trash, and some mail that the woman already had thrown out, and in her mail would be her Social Security check.

"This is a woman who was so incompetent to take care of herself that she would be unable to recognize her Social Security check."

On Dec. 15, 1983, Lavina Cuevas complained over the phone to Morera about Brown's return the day

(Continued on next page)

... on Marshall Street

Continued from preceding page before from Hahnemann.

Morera went to the house and found Brown burning rags in her kitchen. She refused to talk to him, and she put a rag in her mouth, he

On the advice of a social-service agency, Morera said, he next went to Hahnemann and spoke with an attendant in the psychiatric emergen-

cy room. A clerk verified that Brown had just been a patient there, Morera said. The attendant then advised him to fill out an involuntary-commitment petition to bring Brown in for emergency treatment.

As Morera understood the request, he recalled, he had to go back to the neighborhood and obtain signatures on the petition. But he could have filled it out himself while at the hospital, a Hahnemann psychiatric official said.

Morera returned to his office, telling Huml that he had been unsuccessful in removing Brown from the house.

"I spent the whole day working on that case," Morera said.

Huml said he called Hahnemann to see what else could be done. He said that he stayed on the telephone line to Hahnemann for about 25 minutes but that no one answered.

"It was after 5 o'clock, and [Morera] and I were the only ones there, and I remember it ringing and I remember saying the hell with it, maybe I called the wrong number," Huml

"I was frightened. It was probably a mixture of fright and frustration.

"To be truthful with you, I wanted to find out why my man Miguel was told to come to Hahnemann, and he had actually taken the time to go over there, then spends a whole afternoon there trying to take the appropriate action to have that lady taken care of. Then someone comes out and says to get a petition."

Huml said Morera was not one to ignore the needs of the residents within his PHA sector.

"If anything, Miguel cared too much," Huml said. "He didn't hesitate to spend a lot of time with residents."

Morera said that he then began to consider eviction proceedings but that he was delayed by personal matters during the Christmas season. Then he became ill, he recalled. A few days later, he went to Florida on a vacation with his wife.

By the time he returned, Jacqueline Brown faced murder and arson charges, five people were dead and the house on Marshall Street was boarded up.

"I was shocked," Morera recalled. "Believe me, I have been very depressed with that problem. I tried my best, but that's the way the system works."

From 1980 through 1982, the city cited the house on Marshall Street for six fire-code violations and ordered improvements.

• February 1980: Install fire alarm heat detector on third floor, install fire alarm manual sending station on first floor.

• May 1981: Repair/replace nonworking fire-alarm system on first floor, provide fire extinguisher on

second floor. August 1982: Repair/replace nonworking fire-alarm system on second floor, repair defective bell/sounding

device on first floor. The Housing Authority maintains that no city-code violations existed at the time of the fatal fire, and the authority maintains that a fire alarm in the house was ringing when fire-

fighters arrived. But L&I's Paliaga said his department's records indicated that the Housing Authority had never corrected the fire-code violations cited in August 1982. A document provided to The Inquirer by the Housing Authority, however, shows the repairs

stamped "work completed." In all, more than 50 repairs were needed at the house from 1980 until the fatal fire — at least 11 of which were for fire-alarm malfunctions, ac-

cording to the authority's records. Housing Authority documents show no record that fire extinguishers in the house were inspected in 1983 - despite a city fire-code regulation that all fire extinguishers in public housing must be recharged at least once a year. Dennis Glancey, administrative assistant for the authority, said authority inspectors were about to go to the house to check the extinguishers at the time of the Dec. 28 fire.

On Dec. 31, 1983, Philadelphia lawyer John Matrullo - who filed the lawsuit on behalf of the survivors retrieved a fire extinguisher from the burned-out house. Based on the inspection sticker, he said, the extinguisher had not been checked since February 1980.

A few days after he buried his wife and son, BJ Cuevas stood on the cold second floor of Juan and Rita Lugo's house, wearing an overcoat. He leaned against a dresser that was the only furniture other than the mattresses. At 28, he was left to ponder a future that seemed impossible without Lavina.

"We were the best romantics around. We'd been together since I was 16, she was 14. Everybody else that was in love before has gone, but we always stuck together. We outgrew them all. We were poor but we had beautiful times, as if we were

"She always kept me straight. She brought me out of everything. She was incredible. If it wasn't for her, I would have been a long time ago in jail or dead. She was like a mother, a friend and a wife, a combination of the three. That's why I'll never find

anybody like her." After the fire, BJ and Jose, his son and namesake, cried together often. At least they had each other for consolation. "Jose, that's my heart and soul," said BJ. "I brought him up."

On April 6, Jose died when a police tow truck crushed him accidentally - just around the corner from the house on Marshall Street. He was buried beside his mother.

Meanwhile, Judith Lugo has given birth to a healthy boy named Jonathan. Juan Lugo is recovering from a mild heart attack he suffered over the summer. He and Rita drive to the cemetery at least once a month. BJ is employed as a security guard.

"I think about Jackie a lot," Rita Lugo said, above the din of a Christmas Day soap opera. "I hope she's all

"When we take a [person] to a hospital and turn it over to them, we back off," said Fire Commissioner William C. Richmond. "We have guys that show great concern, but the fact of the matter is, they've got to get

back in service for the next response we may have.

"Our involvement is finished. We've delivered them to more capable hands. I would say that Hahnemann accepted that responsibility when they took that lady in."

Roger M. Ulshafer, Philadelphia's fire marshal, said: "The whole system failed. You don't have to be a fire investigator to make that statement.

"It's very frustrating when we identify someone who needs help and we take the trouble to do something about it, and then the next thing you know they're back on the

"You lose five people when you shouldn't have. In this case, you're dependent on other parts of the system that sometimes don't work too well. Somewhere along the way, the system has to be changed."



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On New Year's Eve '83, three days after the fire, neighbors hold a candlelight memorial service

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